(b) if so, what steps have been taken, so far, to find a solution to this problem?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI ASHOK PRADHAN): (a) Yes, Sir.

(b) Whenever any default is detected, action under section 7A, 8F, 8B to 8G, 14(1)(A), 14(B) & 7Q of Employees Provident Funds and Miscellaneous Provision Act, 1952, under section 406/409 of Indian Penal Code(IPC) and under section 110 of Criminal Procedure Code, are taken against defaulters.

Arrears of ESI contribution

2305. SHRI J. CHITHARANJAN: Will the MINISTER OF LABOUR be pleased to state:

(a) action taken to realize the arrears of ESI contribution from the tea estate companies; and

(b) whether such action has been a success?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI ASHOK PRADHAN): (a) Tea estates are not coverable under the ESI Act. However, tea companies situated outside the tea estates and engaged in sale of tea or its marketing are coverable as 'shops' under Section 1(5) of the ESI Act. Similarly tea manufacturing unit situated outside the tea estates and engaged in the process of blending, packing or re-packing of tea and working for more than 7 months in a year are coverable as factories under Secton 2(12) of the ESI Act.

As per ESI Act, any contribution payable under this act is recovered as arrears of land revenue. This also includes arrears outstanding against above stated tea companies covered under the ESI Act. Assessment of contribution and the recovery of the same in case of default on the part of the employers are ongoing processes. The ESI arrears of defaulting employers are recovered as per Section 45-C to 45-I of the ESI Act by the recovery machinery of ESI Corporation. No special provision for recovery of arrears of ESI contribution from tea companies has been provided in the ESI Act.

(b) Recovery Action taken as per the provisions of the ESI Act

for recovery of outstanding dues of defaulting units including defaulting tea companies is a continuous process. It is the constant endeavour of the recovery machinery of ESI Corporation to fully recover the outstanding dues from the defaulting units as per the provisions of Section 45-C to 45-I of ESI Act. However, in some cases where the defaulting employers approach the Court of Law challenging the recovery proceedings, recovery is not possible immediately.

Cardiology Superspeciality Wing at Asramam, Kerala

2306. SHRI J. CHITHARANJAN: Will the MINISTER OF LABOUR be pleased to refer to the answer to Starred Queston 261 given in the Rajya Sabha on the 1st August, 2002 and state:

(a) whether the plan to set up a separate Cardiology (Non-invasive) Wing, Superspeciality Department at Asramam, Kollam in Kerala has been finalised in consultation with the Central Public Works Department; and

(b) if so, by when this Superspeciality Wing would be functional?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI ASHOK PRADHAN): (a) Yes, Sir.

(b) The Cardiology (non-invasive) Wing of Model Hospital, Asramam, is expected to be made functional after completion of the construction by the year 2005.

Trade unions opposition to labour reforms

2307. SHRI NANA DESHMUKH: Will the MINISTER OF LABOUR be pleased to state:

(a) whether it is a fact that trade union leaders are opposed to labour reforms and disinvestment policy;

(b) whether it is also a fact that according to them retrenchment is going on in the Modern Foods and BALCO and disinvestment in both these units has not been successful;

(c) if so, what is Government's assessment; and

(d) what concrete steps are being taken against the new management of both the companies?